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 9

10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 FAYE GARCIA, individually,)	2:24-cv-00229-ART-DJA
)	
13 Plaintiff,)	
14 vs.)	STIPULATION AND ORDER TO
)	EXTEND DISCOVERY
15 ALBERTSON'S LLC; DOES I through X; and)	
16 ROE CORPORATIONS I through X, inclusive)	(First Request)
)	
17 Defendants.)	

18
 19 Plaintiff FAYE GARCIA ("Plaintiff") and Defendant ALBERTSON'S LLC, by and
 20 through their respective counsel, hereby stipulate and agree to an extension of all remaining
 21 discovery deadlines by ninety (90) days. The parties propose the following revised discovery plan.

22 Pursuant to LR 26-3, it is respectfully submitted that the parties' failure to request the
 23 instant extension of discovery twenty-one (21) days prior to the deadline for Rebuttal Expert
 24 Disclosure was the result of excusable neglect. Specifically noting the failure to request the
 25 extension was a mere oversight by the parties. *Bateman v. US Postal Service*, 231 F.3d 1220 (9th
 26 Cir. 2000). Further: 1) there is no danger of prejudice as the extension is stipulated by the parties;
 27 2) a sixty (60) day extension will not impact a trial date because the same has not been scheduled;
 28 3) the parties, their respective Counsel, and witnesses have been limited in appearing for
 deposition due to the Covid-19 pandemic; and 4) the requested extension is made in good faith by

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both parties. *Pioneer Investment Services v. Brunswick Associate's, Ltd.*, 507 U.S. 380, 395 (1993).

I.

DISCOVERY COMPLETED TO DATE

1. The parties held a telephonic conference pursuant to Fed. R. Civ. P. 26(f) March 4, 2024.

2. On March 5, 2024, Plaintiff served her initial disclosure of witnesses and documents pursuant to Fed. R. Civ. P. 26(a)(1).

3. On March 6, 2024, Defendant served its initial disclosure of witnesses and documents pursuant to Fed. R. Civ. P. 26(a)(1).

4. On May 3, 2024, Plaintiff served initial written discovery, including Interrogatories, Requests for Production, and Requests for Admission on Defendant. Defendant timely served responses.

5. On May 20, 2024, the parties entered into a Stipulated Protective Order.

6. On May 22, 2024, Defendant served initial written discovery, including Interrogatories and Requests for Production on Plaintiff. Plaintiff timely served responses.

7. On June 14, 2024, Defendant served its first supplement to its initial list of witnesses and documents pursuant to Fed. R. Civ. P. 26(e).

8. On July 15, 2024, Plaintiff was deposed.

9. On August 1, 2024, the Parties exchanged their initial expert witness designations and reports in accordance with Fed. R. Civ. P. 26.1(a)(2).

10. On September 30, 2024, Defendant served its second supplement to its initial list of witnesses and documents pursuant to Fed. R. Civ. P. 26(e).

II.

DISCOVERY TO BE COMPLETED AND REASONS

FOR EXTENSION OF DISCOVERY

Discovery to be completed includes:

1. Deposition of Defendant 30(b)(6) designee

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3. Depositions of expert witnesses

4. Depositions of Plaintiff's treating physicians

5. Depositions of store employees

6. Depositions of additional fact witnesses

Additional written discovery and depositions as the Parties deem necessary.

The Parties aver, pursuant to Local Rule 6-1, that good cause exists for the requested extension.

III.

REASONS WHY DISCOVERY WAS NOT COMPLETED WITHIN TIME SET BY DISCOVERY PLAN

Pursuant to LR 45-2(a), it is respectfully submitted the continuance is necessary to allow the parties time to schedule the depositions of Defendant's FRCP 30(b)(6) witness(es), experts, treating physicians, and/or fact witnesses. Defendant Albertson's LLC is entering into its busiest time of year, between Halloween and Valentine's Day. As such, scheduling any corporate representatives or store employees needs to be secured as far in advance as possible. Similarly, expert witnesses have expressed limited availability with the upcoming holidays. Accordingly, this Stipulation to Extend Discovery (First Request) is made in good faith and not for purposes of undue delay.

IV.

DISCOVERY DEADLINES

Discovery cutoff: September 30, 2024

Amending the pleadings or adding parties: Closed

Expert disclosures: Closed

Rebuttal expert disclosures: Closed

Dispositive motions: October 30, 2024

Joint Pre-Trial Order: November 29, 2024

VII.

[PROPOSED] NEW DISCOVERY DEADLINES

Discovery cutoff:	<i>December 30, 2024</i>
Amending the pleadings or adding parties:	<i>Closed</i>
Expert disclosures:	<i>Closed</i>
Rebuttal expert disclosures	<i>Closed</i>
Dispositive motions:	<i>January 28, 2025</i>
Joint Pre-Trial Order:	<i>February 27, 2025 – suspended until 30 days after decision on dispositive motions, if filed</i>

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The Parties aver that this request for extension of discovery deadlines is made by the parties in good faith and not for the purpose of delay.

DATED this 30th day of September, 2024.

GOLIGHTLY & VANNAH, PLLC

/s/ John B. Greene

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Attorney for Plaintiff

DATED this 30th day of September, 2024.

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/s/ Jacquelyn Franco

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Attorneys for Defendants

IT IS SO ORDERED:

UNITED STATES MAGISTRATE JUDGE

DATED: 10/2/2024

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